

§ 41.28

appeal shall be final for the Department of the Interior.

§ 41.28 Criminal penalties.

Persons submitting or causing to be submitted to the Bureau any false information in connection with any application, report, or other document, upon which the provision of the Federal financial assistance, or any other payment of Federal funds, is based, may be subject to criminal prosecution under provisions such as sections 287, 371, or 1001 of title 18, U.S. Code.

PART 42—STUDENT RIGHTS

Sec.

- 42.1 What general principles apply to this part?
- 42.2 What rights do individual students have?
- 42.3 How should a school address alleged violations of school policies?
- 42.4 What are alternative dispute resolution processes?
- 42.5 When can a school use ADR processes to address an alleged violation?
- 42.6 When does due process require a formal disciplinary hearing?
- 42.7 What does due process in a formal disciplinary proceeding include?
- 42.8 What are a student's due process rights in a formal disciplinary proceeding?
- 42.9 What are victims' rights in formal disciplinary proceedings?
- 42.10 How must the school communicate individual student rights to students, parents or guardians, and staff?
- 42.11 Information collection.

AUTHORITY: 5 U.S.C. 301, Pub. L. 107-110, 115 Stat. 1425.

SOURCE: 70 FR 22218, Apr. 28, 2005, unless otherwise noted.

§ 42.1 What general principles apply to this part?

(a) This part applies to every Bureau-funded school. The regulations in this part govern student rights and due process procedures in disciplinary proceedings in all Bureau-funded schools. To comply with this part, each school must:

(1) Respect the constitutional, statutory, civil and human rights of individual students; and

(2) Respect the role of Tribal judicial systems where appropriate.

(b) All student rights, due process procedures, and educational practices

25 CFR Ch. I (4-1-08 Edition)

should, where appropriate or possible, afford students consideration of and rights equal to the student's traditional Native customs and practices.

§ 42.2 What rights do individual students have?

Individual students at Bureau-funded schools have, and must be accorded, at least the following rights:

(a) The right to an education that may take into consideration Native American or Alaska Native values;

(b) The right to an education that incorporates applicable Federal and Tribal constitutional and statutory protections for individuals; and

(c) The right to due process in instances of disciplinary actions.

§ 42.3 How should a school address alleged violations of school policies?

(a) In addressing alleged violations of school policies, each school must consider, to the extent appropriate, the reintegration of the student into the school community.

(b) The school may address a student violation using alternative dispute resolution (ADR) processes or the formal disciplinary process.

(1) When appropriate, the school should first attempt to use the ADR processes described in § 42.4 that may allow resolution of the alleged violation without recourse to punitive action.

(2) Where ADR processes do not resolve matters or cannot be used, the school must address the alleged violation through a formal disciplinary proceeding under § 42.7 consistent with the due process rights described in § 42.7.

§ 42.4 What are alternative dispute resolution processes?

Alternative dispute resolution (ADR) processes are formal or informal processes that may allow resolution of the violation without recourse to punitive action.

(a) ADR processes may:

(1) Include peer adjudication, mediation, and conciliation; and

(2) Involve appropriate customs and practices of the Indian Tribes or Alaska Native Villages to the extent that these practices are readily identifiable.